

REMARKS

The above amendments have been provided based on the format described at 1265 Off. Gaz. Pat. Office 87 (December 17, 2002) and as authorized by Deputy Commissioner for Patents, Stephen Kunin on January 31, 2003.

Claims 8-10, 21, 23-25, 27 and 28 were pending. Claim 28 was rejected. Claims 24 and 28 are amended herein. New claims 29-34 are added. Support for the new claims is found throughout the specification. *See, e.g.,* page 16, lines 24-34. No new matter has been added and entry of the amendment is respectfully requested. Claims 8-10, 21, 23-25, 27, and 28-34 are pending, and claims 8-10, 21, 23-25 and 27 were allowed.

Formal Matters

Applicants gratefully acknowledge the allowance of claims 8-10, 21, 23-25 and 27.

Interview Summary

Applicants are grateful to the Examiner for the granting of an Interview on June 10, 2003, after the mailing of the Final Action. The Interview was very productive, and the issues addressed in the Interview are summarized herewith. The Examiner indicated that the proposed amendments to claim 28 would overcome the rejection under 35 U.S.C. § 112, second paragraph. The Examiner also indicated that claim 24 should be similarly amended. Finally, the Examiner requested any information regarding other pending and allowed applications which encompass the subject matter of the claimed invention.

In the response herein, Applicants have amended claims 24 and 28 as suggested by the Examiner. With regards to other related applications or issued patent, Applicants note that the instant application is a divisional of Serial No. 09/122,443, filed on July 24, 1998, which claims

the benefit of Serial No. 60/053,765, filed July 25, 1997. Serial No. 09/122,443 issued as Patent No. 6,060,284 on May 9, 2000, and is currently undergoing reissue examination under Serial No. 09/935,366. Other related patents include U.S. Patent 6,495,667, issued December 17, 2002, and U.S. Patent No. 6,479,634, issued November 12, 2002. Both of these patents are divisional applications of Serial No. 09/122,443.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 28 is rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite because claim 28 recites a broad limitation together with a narrow range limitation within the same claim. Applicants traverse this rejection for reasons of record.

In order to expedite prosecution, Applicants have amended claim 28 to recite a single range in the claim. Accordingly, it is believed this basis for rejection may be withdrawn.

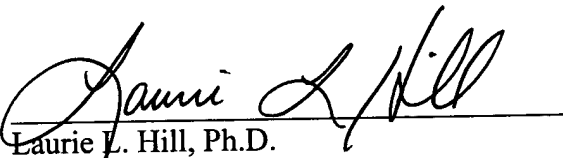
CONCLUSION

Applicants submit that the rejection under 35 U.S.C. § 112 has been overcome by the above amendments and remarks. Early allowance of the remaining pending claims 28-34 is respectfully requested. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 140942000210.

Respectfully submitted,

Dated: June 20, 2003

By:



Laurie L. Hill, Ph.D.

Registration No. 51,804

Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7955
Facsimile: (858) 720-5125